

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479, the Utilities Board (Board) gives notice that on April 19, 2011, the Board issued an order in Docket No. RMU-2011-0001, In re: Electric and Gas Technical Standards—Updates, “Order Adopting Rules.” The Board is adopting amendments to 199 IAC 10.12(1), 10.17, 19.2(5)“g,” 19.5(2), 20.3(9), 20.5(2), 20.18(5)“b”(2), 25.1(3), and 25.2(4).

The amendments are primarily updates of technical standards, which are incorporated by reference in current rules. For example, federal pipeline safety standards have been updated to include new federal reporting forms, control center standards, and distribution integrity management regulations. The Board’s federal pipeline safety grant is dependent, in part, on timely adoption of these changes.

Corrective changes are also made. For example, the amendment to 199 IAC 20.3(9) reflects the Board’s adoption and implementation of electronic filing. Also, a more substantive change is made in new subrule 25.1(3). The definition of utility is expanded in the new subrule to include all electric facility owners, which would include transmission-only operators and wind farms that are not utilities under Iowa Code chapter 476. The definitions used in 199 IAC 25 implicitly included such nontraditional electric facility owners; the new subrule makes the definition explicit.

Notice of Intended Action in Docket No. RMU-2011-0001 was published in IAB Vol. XXXIII, No. 17 (2/23/2011), p. 1203, as **ARC 9394B**. Written comments were received from Interstate Power and Light Company (IPL), the Consumer Advocate Division of the Department of Justice (Consumer Advocate), and MidAmerican Energy Company (MidAmerican). None of the commenters requested an oral presentation.

All three commenters supported the rules, but MidAmerican expressed concern that some of the rules contained the wording “[insert the effective date of this amendment].” MidAmerican suggested that specific effective dates be inserted.

The Board agrees, and the adopted rules will contain the date these amendments are effective. The language used in the noticed amendments was merely a placeholder for the date the amendments become effective, which was not known at the time the amendments were noticed. This practice ensures that the Board adopts the most current amendments to federal standards and is consistent with prior rule makings. Unlike technical standards formulated by private or industry bodies that are utilized in the Board’s rules, federal regulations are not identified by edition number so the Board uses the federal regulations as they exist on the effective date of the Board’s rules. “June 22, 2011” replaces the phrase “[insert the effective date of this amendment]” wherever it appeared in these amendments.

The Board does not find it necessary to adopt a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3 is applicable to these amendments.

There are no substantive changes to the amendments published under Notice. Therefore, no additional notice was necessary prior to adoption of these amendments.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479.

These amendments will become effective on June 22, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 10.12(1) as follows:

10.12(1) All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

a. 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~August 19, 2009~~ June 22, 2011.

b. 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~August 19, 2009~~ June 22, 2011.

c. 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~August 19, 2009~~ June 22, 2011.

d. ASME B31.8 - 2007, "Gas Transmission and Distribution Piping Systems."

e. ~~199 IAC 9~~ 199—Chapter 9, "Restoration of Agricultural Lands During and After Pipeline Construction."

f. At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), "Engineering standards for pipelines."

Conflicts between the standards established in paragraphs 10.12(1)"a" through "f" or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend rule 199—10.17(479) as follows:

199—10.17(479) Accidents and incidents. Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 as amended through ~~August 19, 2009~~ June 22, 2011, shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

ITEM 3. Amend paragraph **19.2(5)"g"** as follows:

g. *Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~August 19, 2009~~ June 22, 2011, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

ITEM 4. Amend subrule 19.5(2) as follows:

19.5(2) Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~August 19, 2009~~ June 22, 2011.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through ~~August 19, 2009~~ June 22, 2011.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through ~~August 19, 2009~~ June 22, 2011.

(4) 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~August 19, 2009~~ June 22, 2011.

(5) ASME B31.8 - 2007, "Gas Transmission and Distribution Piping Systems."

(6) NFPA 59-2008, "Utility LP-Gas Plant Code."

(7) At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), "Engineering standards for pipelines."

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-2009, "National Fuel Gas Code."

(2) NFPA 501A-2009, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

ITEM 5. Amend subrule 20.3(9) as follows:

20.3(9) Petition for modification of service area and answers. An exclusive service area is subject to modification through a contested case proceeding which may be commenced by filing a petition for modification of service area with the board. The board may commence a service area modification proceeding on its own motion.

Any electric utility or municipal corporation may file a petition for modification of service area which shall contain a legal description of the service area desired, a designation of the utilities involved in each

boundary section, and a justification for the proposed service area modification. The justification shall include a detailed statement of why the proposed modification is in the public interest. A map showing the affected areas which complies with subrule paragraph 20.3(11) "a" shall be attached to the petition as an exhibit. ~~The petition shall be delivered by the United States Postal Service or personal service and shall be considered as filed with the agency on the date of the postmark or the date of personal service.~~

~~Copies of the petition shall be served on all utilities involved and the consumer advocate. Those utilities and the consumer advocate shall be parties of record to the proceeding. Filing of the petition with the board, and service to other parties, shall be in accordance with 199—Chapter 14.~~

All parties shall file an answer which complies with 199—subrule 7.5(1).

ITEM 6. Amend subrule 20.5(2) as follows:

20.5(2) *Standards incorporated by reference.* The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

- a. Iowa Electrical Safety Code, as defined in ~~199 IAC Chapter 25~~ 199—Chapter 25.
- b. National Electrical Code, ANSI/NFPA 70-2008.
- c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-2006; and C57.13.3-~~2006~~ 2005.
- d. American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-2006.
- e. Grounding of Industrial and Commercial Power Systems, IEEE 142-2007.
- f. IEEE Standard 1159-~~1995~~ 2009, IEEE Recommended Practice for Monitoring Electric Power Quality or any successor standard.
- g. IEEE Standard 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems or its successor standard.
- h. At railroad crossings, ~~199 IAC 42.6(476)~~ 199—42.6(476), "Engineering standards for electric and communications lines."

ITEM 7. Amend subparagraph **20.18(5)"b"(2)** as follows:

(2) When recording interruptions, each electric utility, other than those providing only wholesale electric service, shall use detailed standard codes for interruption analysis recommended by the United States Department of Agriculture, Rural Utilities Service (RUS) Bulletin ~~464-4~~ 1730A-119, Tables 1 and 2, including the major cause categories of equipment or installation, age or deterioration, weather, birds or animals, member (or public), and unknown. The utility shall also include the subcategories recommended by RUS for each of these major cause categories.

ITEM 8. Adopt the following **new** subrule 25.1(3):

25.1(3) *Definition of utility.* For the purpose of this chapter, a utility is any owner or operator of electric or communications facilities subject to the safety jurisdiction of the board.

ITEM 9. Amend paragraph **25.2(4)"a"** as follows:

a. *Joint-use construction.* Where it is mutually agreeable between ~~the electric supply company and the~~ an electric utility and a communication or cable television company, communication circuits or cables may be buried in the same trench or attached to the same supporting structure, provided this joint use is permitted by, and is constructed in compliance with, the Iowa electrical safety code.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.